

REMARKS

I. INTRODUCTION

In response to the Office Action dated December 24, 2009, claims 1 and 8 have been amended. Claims 1-14 remain in the application. Re-consideration and re-examination of the application, as amended, are respectfully requested.

II. CLAIM AMENDMENTS

Applicants' attorney has made amendments to the claims as indicated above. These amendments were made solely for the purpose of clarifying the language of the claims, and were not required for patentability or to distinguish the claims over the prior art.

III. NON-ART REJECTIONS

On pages 2-3 of the Office Action, claims 1 and 8 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the claims were rejected because the specification was considered not to teach explicitly disclosing initiating a game from the gaming application at a time other than a time of transmission of the gaming application.

Applicants traverse the rejections.

Paragraphs [0030] - [0034] state, in pertinent part:

The satellite 20 then transmits the data from the question database 12 and or game application 14 to a user's television STB 22. The questions and gaming application for playing the trivia game reside in the user's STB 22. The user may **then** interactively review the questions and provide answers via the STB 22.

The STB 22 also includes a gaming application 223 which executes the interactive gaming functionality for the user. The user interacts with the STB 22 via a handheld device 22a that transmits user commands to the STB 22 via a wireless transmission 22b. A user transmitter/receiver 22c receives the commands from the handheld device 22a and relays these commands ...to the STB gaming application 223. The transmissions to and from the STB gaming application 223 **include a question protocol to the television 220 and user replies, answers, and commands, via the handheld device...**(Emphasis added).

Thus, the only time that a user can initiate a game, i.e., "interactively review the questions and provide answers via the STB 22," is at a time other than the time of transmission

of the gaming application, because without the gaming application being present on the STB 22, the user cannot be shown any questions and cannot provide any answers.

However, in order to expedite prosecution of the present application, Applicants have clarified the claims to render the rejection moot.

IV. STATUS OF CLAIMS

Claims 1-14 are pending in the application.

Claims 1, 2, 8, and 12-13 were rejected under 35 U.S.C. §103(a) as being unpatentable over The NTN Network (NTN) in view of Junkin, U.S. Patent No. 6,193,610 (Junkin).

Claims 3 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over NTN in view of Junkin in further view of Allen, U.S. Publication No. 20020119824 (Allen), and further in view of Crockett et al., U.S. Publication No. 20040039631 (Crockett).

Claims 4-7 are rejected under 35 U.S.C. §103(a) as being unpatentable over NTN in view of Junkin in further view of Allen, and further in view of Walker, U.S. Patent 5,779,549 (Walker).

The NTN Reference

The NTN reference describes a system that develops and produces original programming and distributes game programming. The NTN system can provide up to 16 live events for interactive play, allowing distribution of different programs to customers in different geographical locations. See Page 4, first full paragraph.

The NTN network broadcasts a variety of sports and interactive trivia games. The games are broadcast live, at specified times, and during live sporting contests when the NTN game corresponds to the live sporting contest. See Page 2, last full paragraph-page 3, second full paragraph.

The NTN network also broadcasts 30 minute general interest trivia games that start on the half-hour. Further, the NTN network allocates 14 minutes each hour for advertising spots. See Page 3, third and sixth paragraphs.

The Junkin Reference

Junkin merely describes an interactive apparatus and method that allows participants to compete in an interactive game, such as a contest or sporting event, occurring in real time or as a taped broadcast of a real time event. The event with which the participant may interact is broadcast live or previously taped but not aired. At home, participants can play along with the broadcast on a real time basis as a previously taped segment of the television show is aired. Interactive play may be accomplished by access to an on-line version of the game while the corresponding game show airs live or is rebroadcast to the participant for the first time on television.

The Allen Reference

The ancillary Allen reference is cited as disclosing updates of answers in real-time and competitions between players.

The Ancillary Crockett, Walker, and Weitz References

Crockett and Walker are cited as teaching bonus scores, question databases, and update servers receiving and transmitting data, respectively.

The Claims Are Patentable Over The Cited References

The claims of the present invention describe methods and systems for for interactive gaming. A system in accordance with one or more embodiments of the present invention comprises a central broadcast center transmitting signals over a first communications network, a gaming system comprising a gaming application residing within the central broadcast center, a plurality of receivers which receive the gaming application via the first communication network, a plurality of games accessible through the gaming application at a time after a time of transmission of the gaming application, wherein the gaming application and the plurality of games are stored at the plurality of receivers, each receiver in the plurality of receivers selectively allowing a plurality of different users to initiate the game at a time selected by each user in the plurality of users, and a scoring protocol associated with the plurality of games, where the scoring protocol provides real time scoring data transmitting from the plurality of receivers back to the gaming system via a second communication network.

The cited references do not teach or suggest the limitations of the claims of the present invention. Specifically, the cited reference do not teach or suggest at least the limitation of each receiver in the plurality of receivers selectively allowing a plurality of different users to initiate the game at a time selected by each user in the plurality of users as recited in the claims of the present invention.

Discussion

Applicants appreciate the thorough response provided by the Examiner in the Office Action.

With respect to the 35 U.S.C. 112 first paragraph rejection, Applicants believe that the clarification of the claims is in alignment with the Examiner's discussion and disclosed in the specification, and respectfully request withdrawal of the rejections.

With respect to the interpretation of the NTN reference, Applicants continue to respectfully traverse the characterization of NTN. Nowhere does NTN teach or suggest that a game can be played in the NTN system at any time other than at the time the game is broadcast. That NTN can stream a game to Yahoo or any other internet portal does not mean that NTN is played at any other time.

NTN clearly does not teach anything other than playing the trivia game at the time the game is broadcast. Applicants agree that NTN teaches broadcasting the game to various locations, and that NTN can broadcast a game for a week if desired; however, Applicants continue to contend that NTN teaches a "live" game play in that everyone competing in the NTN game is competing simultaneously, that the questions are presented simultaneously to all players, and that once the NTN broadcast has started, any viewers that arrive after a portion of the game has already been broadcast cannot go back in time and answer those questions previously submitted to other participants.

However, in order to expedite prosecution, Applicants have amended the claims to include an additional limitation also not shown by NTN or any of the other cited references: the limitation of each receiver in the plurality of receivers selectively allowing a plurality of different users to initiate the game at a time selected by each user in the plurality of users as recited in the claims of the present invention.

In NTN, each receiver allows a single location (i.e., a single “player” or “user”) to compete in the game play. In the present invention, multiple users can initiate a game from a single receiver. Nowhere does NTN mention that one receiver in a city can accept more than one input from different players, because NTN only allows live play and could not accept such data from a single location, whereas the present invention allows each receiver to selectively allow a plurality of different users to initiate the game at a time selected by each user, e.g, whenever they were available to play the game. So, with a single receiver, each member of a family could play the game at different times and compete against each other. Nowhere does NTN teach or suggest this feature or limitation. The arguments and amendments presented herein are supported by the specification as filed at least in paragraph [0042].

None of the other cited references are cited for, nor provide a remedy to, this deficiency in the NTN reference. As such, claims 1 and 8 are patentable over all of the cited references. Further, dependent claims 2-7 and 9-14 are submitted to be allowable over the cited references in the same manner, because they are dependent on independent claims 1 and 8, respectively, and thus contain all the limitations of the independent claims. In addition, dependent claims 2-7 and 9-14, recite additional novel elements not shown by the cited references.

V. CONCLUSION

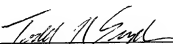
In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Should any fees be associated with this submission, please charge Deposit Account 50-0383.

Respectfully submitted,

Date: March 24, 2010

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